

HAROLD BAER  
U.S. DISTRICT JUDGE  
S.D.N.Y.

THE CITY OF NEW YORK  
LAW DEPARTMENT

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March 12, 2008

**BY HAND DELIVERY**

The Honorable Harold Baer  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Kendall v. City of New York, et al.,  
07 CV 10296 (HB)

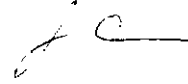
Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendants in the above-referenced action. I write regarding the production of the defendant officers' disciplinary histories.

As Your Honor is aware, on February 28, 2008, the parties appeared for an initial conference before Your Honor. At that time, Your Honor set forth a discovery schedule and the parties discussed potential discovery disputes. One such potential dispute raised by plaintiff's counsel focused on the production of the defendant officers' disciplinary histories. In response, Your Honor requested that the undersigned provide the Court with the number of "unsubstantiated complaints" against Officers Mathers and Tudisco. Accordingly, upon information and belief, Officer Salvatore Tudisco has been the subject of four CCRB complaints, including the complaint relating to the instant matter. Not one of these complaints was substantiated. Additionally, upon information and belief, Officer Sarah Mathers has been the subject of two CCRB complaints, including the one at issue in the instant matter. Again, neither of these complaints were substantiated. Accordingly, defendants respectfully renew their position that discovery into defendants Mathers and Tudisco's disciplinary histories should be limited to substantiated allegations of a similar nature to those alleged in the complaint within the last 10 years.

Thank you for your consideration of this request.

Respectfully submitted,



Jessica T. Cohen (JC 0044)  
Assistant Corporation Counsel

cc: Andrew Stoll, Esq. (by first-class mail))

2/15  
My direction at the 2/28  
PTC was that discovery of  
B's disciplinary histories  
might be delayed if the  
ECRB did not submit  
on this since that was  
planned further discovery  
on this secret would be  
permitted  
COORD ECRB  
Shawn Bama  
USD

Endorsement: 3/15 My direction at the 2/28 PTC was that discovery of defendant's disciplinary histories might be allowed if there were any substantiated CCRB. Since there were none no further discovery on this score will be permitted. So ordered.